



September 10, 1999

Mr. Craig H. Smith  
Deputy General Counsel  
Texas Workers' Compensation Commission  
4000 South IH-35  
Austin, Texas 78704-7491

OR99-2523

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127368.

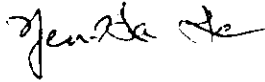
The Texas Workers' Compensation Commission (the "commission") received a request for the "SOAH Manual with annotated references." You argue that the draft "manual" or "trial notebook" which contains "synopsis, case decisions, and statutes" is excepted from disclosure by section 552.111 of the Government Code. You have submitted the documents you seek to withhold.

Section 552.111 excepts "an interagency or intra-agency memorandum or letter that would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993), this office reexamined the predecessor to the section 552.111 exception in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ), and held that section 552.111 excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. An agency's policymaking functions, however, do not encompass internal administrative or personnel matters; disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues. Open Records Decision No. 615 at 5-6 (1993). Section 552.111 does not protect facts and written observation of facts and events that are severable from advice, opinions, and recommendation. ORD 615.

We have reviewed the submitted information and conclude that section 552.111 excepts the requested information from required public disclosure as information consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the commission.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref: ID# 127368

Encl.: Submitted documents

cc: Mr. Stephen Alderman  
Wright & Greenhill, P.C.  
221 West 6<sup>th</sup> Street, Suite 1800  
Austin, Texas 78701  
(w/o enclosures)